

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CARL W. POE and)
BARBARA POE,)
)
Plaintiffs,)
)
v.) CASE NO.: _____
)
)
NCO FINANCIAL SYSTEMS, INC.,)
)
Defendant.)

**NOTICE OF REMOVAL OF DEFENDANT NCO
FINANCIAL SYSTEMS, INC.**

Pursuant to 28 U.S.C. §§ 1331, 1343, 1441, 1446, and 1447, Defendant NCO Financial Systems, Inc. ("NCO"), hereby removes the above captioned civil action from the District Court for Jefferson County, Alabama, Bessemer Division, to the United States District Court for the Northern District of Alabama, Southern Division. The removal of this civil case is proper because:

1. NCO is the only defendant in this civil action in the District Court for Jefferson County, Alabama, Bessemer Division, captioned *Carl W. Poe and Barbara Poe v. NCO Financial Systems, Inc.* (hereinafter, the "State Court Action").

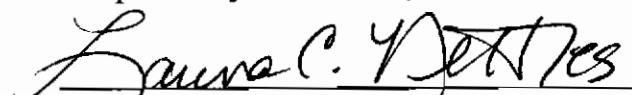
2. NCO removes this case on the basis of the Fair Debt Collection Practices Act, Title 15 U.S.C. § 1692 (FDCPA), as the Plaintiffs' Complaint claims relief based on abusive practices in violation of federal law.

3. Attached hereto as **Exhibit "A"** and incorporated by reference as part of the Notice of Removal are true and correct copies of the process and pleadings in the State Court Action. No further proceedings have taken place in the State Court Action. ¶

5. A copy of this Notice of Removal is being served upon Plaintiffs and filed concurrently with the Clerk of the District Court for Jefferson County, Alabama, Bessemer Division.

WHEREFORE, NCO hereby removes to this Court the State Court Action.

Respectfully submitted,


Laura C. Nettles, Esq. (ASB-5805-S63L)
Attorney for Defendant,
NCO Financial Systems, Inc.

OF COUNSEL:

LLOYD, GRAY & WHITEHEAD, P.C.
2501 Twentieth Place South, Suite 300
Birmingham, AL 35223
Telephone: (205) 967-8822
Facsimile: (205) 967-2380

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document to all attorneys of record by placing a copy in the United States Mail, properly addressed and postage prepaid on this the 4th day of March, 2008:

Edward B. Vines, Esq.
Attorney for Plaintiffs
300 18th Street N.
Bessemer, Alabama 35020-4951

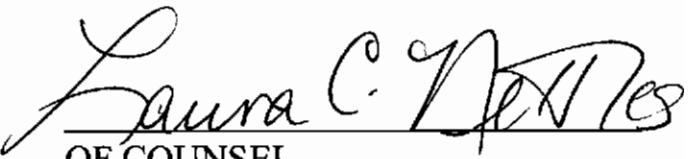

Laura C. Denes
OF COUNSEL

EXHIBIT “A”

**IN THE DISTRICT COURT OF JEFFERSON COUNTY, ALABAMA
BESSEMER DIVISION**

**CARL W. POE and
BARBARA POE,**

Plaintiff,

v.

NCO FINANCIAL SYSTEMS, INC.

Defendant.

CASE NO.: DV 08-64

SUMMONS

TO: Earl N. Carter, District Clerk
Jefferson County Courthouse
1801 3rd Avenue North
Bessemer, Alabama 35020

You are hereby commanded to serve this summons and a copy of the complaint in this action upon the Defendant NCO Financial Systems, Inc., 507 Prudential Road, Horsheim, PA 19044.

NOTICE TO DEFENDANT

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written **ANSWER**, either admitting or denying each allegation in the complaint, to **Bill Thomason**, the lawyer for the Plaintiff, whose address is **P.O. Box 627 Bessemer, Alabama 35021**. **THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN FOURTY (40) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.** You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

Dated: JAN 29 2008


Clerk of Court

**EARL N. CARTER, JR., CLERK
DISTRICT COURT
506 COURTHOUSE ANNEX
BESSEMER, ALABAMA 35020**

IN THE DISTRICT COURT FOR
JEFFERSON COUNTY ALABAMA
BESSEMER DIVISION

CARL W. POE and
BARBARA POE,

Plaintiffs,

v.

CASE NUMBER: DV08-64

NCO FINANCIAL SYSTEMS, INC.

Defendant.

COMPLAINT

The Plaintiffs, in their claim for damages against Defendant, state:

ALLEGATIONS OF FACT

1. The Plaintiffs are natural persons, are husband and wife, and are residents of the Bessemer Division of Jefferson County, Alabama.
2. The Defendant is a Corporation, organized under the laws of the State of Pennsylvania, with its principal place of business in the State of Pennsylvania. The Defendant is a credit collection agency as that term is used in the Federal Fair Debt Collection Act.
3. Carl Poe, prior to the 26th day of October 2004, was issued a credit card by an entity who was doing business as MBNA America ("MBNA"). No entity, using that name, has qualified to do business in the State of Alabama.

4. Carl Poe, on or about the 5th day of October 2005, consulted legal counsel concerning claims that were, at that time, being asserted by MBNA. Carl Poe, or his Counsel, advised MBNA that Carl Poe was denying its claim.

5. Subsequent to the 5th day of October 2005, Defendant began directing telephone collection activity to Plaintiffs. Carl Poe, since said date, has told Defendant that he denied all claims asserted by MBNA or the Defendant. Barbara Poe has advised Defendant that MBNA did not issue a credit card to her.

6. Defendant has, since October of 2005, engaged in telephone collection activity, directed to Plaintiffs, and in the course thereof Defendant has wrongfully intruded into Plaintiffs' private activities in such a manner as to outrage or cause mental suffering, shame or humiliation to persons of ordinary sensibilities.

7. The Plaintiffs, as a proximate consequence of said activities of Defendant, has been caused to suffer injuries and damages that are described as follows: they have been caused to incur expenses to employ lawyers to shield them from the activities of Defendant; they have been caused to suffer mental anguish.

COUNT ONE

1. The Plaintiffs re-allege the Allegations of Fact.
2. The Plaintiffs claim damages against Defendants for invasion of privacy.

WHEREFORE, Plaintiffs limit their claims against Defendants, exclusive of costs, to a total of Ten Thousand Dollars (\$10,000.00).

COUNT TWO

1. The Plaintiffs re-allege the Allegations of Fact.
2. The Plaintiffs claim damages against Defendants for violation of the Federal Fair Debt Collection Act and aver that:
 - a. Defendants communicated with Plaintiffs at unreasonable times.
 - b. Defendants communicated with Plaintiffs with unreasonable frequency;
 - c. Defendants communicated with Plaintiffs with knowledge that they were represented by an attorney.
 - d. Defendants communicated with Barbara Poe with knowledge that she did not owe the debt.

Wherefore, Plaintiff prays for relief as follows:

- a. An award of actual damages, including mental anguish, in the sum of Ten Thousand Dollars (\$10,000.00).
- b. Statutory damages pursuant to 15 U.S.C. Section 1692k.
- c. Costs and reasonable attorneys' fees pursuant to 15 U.S.C. Section 1692k.



Edward B. Vines (VIN011)
Attorney for Plaintiffs

OF COUNSEL:

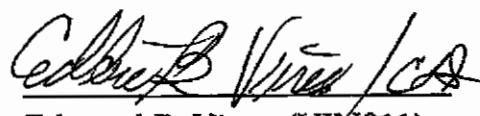
Law Office of
Edward B. Vines
300 18th Street N.
Bessemer, AL 35020-4951
Phone: 205-426-1463
Fax: 205-425-6724

Thomason-Maples, LLC
P.O. Box 627
Bessemer, AL 35020
Phone: 205-428-0702
Fax: 205-428-7890

NOTE TO CLERK:

The Plaintiff requests service on Defendant by certified United States Mail at the address listed below. The Defendant does not have a registered agent or business location within the state of Alabama.

NCO Financial Systems, Inc.
507 Prudential Road
Horsheim, PA 19044


Edward B. Vines /cs
Edward B. Vines (VIN011)
Attorney for Plaintiffs

Earl N. Carter, Clerk of the C
Courthouse Annex, Room 60
Bessemer, Alabama 35020



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NCO Financial Systems, Inc.
507 Prudential Road
Hershey: PA 19044



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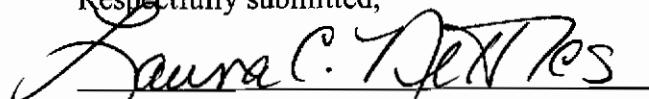
IN THE DISTRICT COURT FOR
JEFFERSON COUNTY ALABAMA
BESSEMER DIVISION

CARL W. POE and)
BARBARA POE,)
Plaintiffs,)
v.) CASE NO.: DV-08-64
NCO FINANCIAL SYSTEMS, INC.,)
Defendant.)

NOTICE OF FILING NOTICE OF REMOVAL

PLEASE TAKE NOTICE that this action has been removed to the United States District Court for the Northern District of Alabama pursuant to the provisions of 28 U.S.C. §§ 1331, 1343, 1441, 1446 and 1447. Attached as **Exhibit "A"** to this Notice is a copy of the Notice of Removal of the above-captioned suit filed on behalf of Defendant, NCO Financial Systems, Inc., in the United States District Court for the Northern District of Alabama on this date.

Respectfully submitted,


Laura C. Nettles, Esq. (ASB-5805-S63L)
Attorney for Defendant,
NCO Financial Systems, Inc.

OF COUNSEL:

LLOYD, GRAY & WHITEHEAD, P.C.
2501 Twentieth Place South, Suite 300
Birmingham, AL 35223
Telephone: (205) 967-8822
Facsimile: (205) 967-2380

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document to all attorneys of record by placing a copy of the same in the United States Mail, properly addressed and postage prepaid on this the 4th day of March, 2008:

Edward B. Vines, Esq.
Attorney for Plaintiffs
300 18th Street N.
Bessemer, Alabama 35020-4951

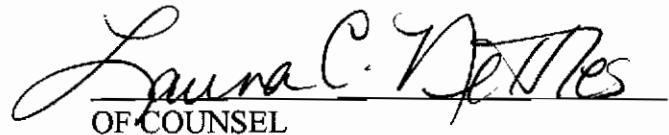

Laura C. Detres
OF COUNSEL

EXHIBIT “A”

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CARL W. POE and)
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1. NCO is the only defendant in this civil action in the District Court for Jefferson County, Alabama, Bessemer Division, captioned *Carl W. Poe and Barbara Poe v. NCO Financial Systems, Inc.* (hereinafter, the "State Court Action").

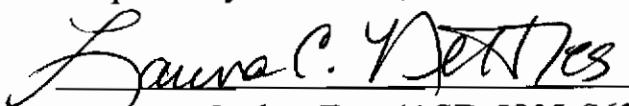
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3. Attached hereto as **Exhibit "A"** and incorporated by reference as part of the Notice of Removal are true and correct copies of the process and pleadings in the State Court Action. No further proceedings have taken place in the State Court Action. ¶

5. A copy of this Notice of Removal is being served upon Plaintiffs and filed concurrently with the Clerk of the District Court for Jefferson County, Alabama, Bessemer Division.

WHEREFORE, NCO hereby removes to this Court the State Court Action.

Respectfully submitted,


Laura C. Nettles, Esq. (ASB-5805-S63L)
Attorney for Defendant,
NCO Financial Systems, Inc.

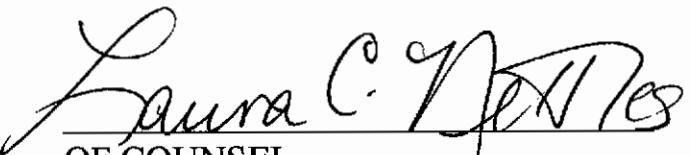
OF COUNSEL:

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Edward B. Vines, Esq.
Attorney for Plaintiffs
300 18th Street N.
Bessemer, Alabama 35020-4951



Laura C. Denes
OF COUNSEL

IN THE DISTRICT COURT OF JEFFERSON COUNTY, ALABAMA
BESSEMER DIVISION

CARL W. POE and)
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Plaintiff,)
v.)
NCO FINANCIAL SYSTEMS, INC.)
Defendant.)

CASE NO.: DV 08-64

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NOTICE TO DEFENDANT

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written **ANSWER**, either admitting or denying each allegation in the complaint, to **Bill Thomason**, the lawyer for the Plaintiff, whose address is P.O. Box 627 Bessemer, Alabama 35021. **THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN FOURTY (40) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.** You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

Dated: JAN 29 2008


Clerk of Court

EARL N. CARTER, JR., CLERK
DISTRICT COURT
506 COURTHOUSE ANNEX
BESSEMER, ALABAMA 35020

IN THE DISTRICT COURT FOR
JEFFERSON COUNTY ALABAMA
BESSEMER DIVISION

CARL W. POE and
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Plaintiffs,

v.

CASE NUMBER: DV08-64

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

COMPLAINT

The Plaintiffs, in their claim for damages against Defendant, state:

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ALLEGATIONS OF FACT

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Edward B. Vines (VIN011)
Attorney for Plaintiffs

OF COUNSEL:

Law Office of
Edward B. Vines
300 18th Street N.
Bessemer, AL 35020-4951
Phone: 205-426-1463
Fax: 205-425-6724

Thomason-Maples, LLC
P.O. Box 627
Bessemer, AL 35020
Phone: 205-428-0702
Fax: 205-428-7890

NOTE TO CLERK:

The Plaintiff requests service on Defendant by certified United States Mail at the address listed below. The Defendant does not have a registered agent or business location within the state of Alabama.

NCO Financial Systems, Inc.
507 Prudential Road
Horsheim, PA 19044


Edward B. Vines (VIN011)
Attorney for Plaintiffs

NCO Financial Systems, Inc.
507 Prudential Road
Horseshoe: PA 19044

Earl N. Carter, Clerk of the C
Courthouse Annex, Room 60
Bessemer, Alabama 35020

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THE JOURNAL

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